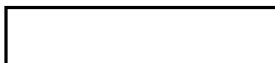


31 August 1978

MEMORANDUM FOR: SA/DDS&T

ATTENTION :

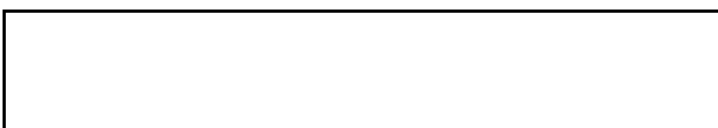


SUBJECT : Freedom of Information Act Revision Sug-
gestions

1. (A/IUO) Everything having to do with intelligence agency information collection including: techniques, methods, sources, operations, operators' support mechanisms, technology, etc., should be exempt from the FOIA. It is impossible for a CIA reviewer to know what scrap of information would be an important clue to opposition intelligence's efforts to frustrate further collection. If everything which could be such a clue were sanitized from CIA documents, most documents would be worthless to anyone and therefore the entire exercise nothing but a waste of taxpayer money.

2. (A/IUO) It seems to me the output of CIA should be accessible to FOIA requestors, including finished and unfinished intelligence, although I am not prepared to opine how far down into raw, unprocessed information the Act should apply. In summary, intelligence input exempt, output not exempt.

25X1


OTS Missions and Programs Staff

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Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020019-8

DD/S&T# 4331-78

ORD-1496-78

6 SEP 1978

MEMORANDUM FOR: Special Assistant, DDS&T

SUBJECT: Categories of Documents and Materials for
Exemption Under FOIA (U/AIUO)

1. (U/AIUO) Listed below are several categories or types of documents which we believe should be considered for exemption under an amended Freedom of Information Act:

a. Documents and materials generated in response to the various investigations of the Agency. Most such documents were prepared after the activities involved had ended.

b. Documents and materials which were prepared as background information or summaries for Agency officials in their reporting on activities and programs to oversight or investigative entities. Most such documentation was prepared after the activities and programs had ended.

c. Documents and materials having standard format that are used for administrative activities which record, report, etc., the financial, security, contract processing, and personnel aspects of our work.

2. (U/AIUO) While some of the above categories could be interpreted to fall within the existing FOIA, the wording of the law is not sufficiently clear to enable definitive interpretation.

3. (U/AIUO) We have attached for your information a copy of a previously submitted memorandum which suggests FOIA amendments.

25X1

Director of Research and Development

Attachment:

As stated

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Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020019-8

DD/S&T# 4 331-78/1

ORD-084-78

12 JAN 1978

MEMORANDUM FOR: Special Assistant, DD/S&T

SUBJECT : Office of Research and Development Suggested
Amendments to FOIA

1. (U/AIUO) The following paragraphs address problems we have had with FOIA. Most, if not all, could be solved or at least ameliorated if the Act were revised.

2. (U/AIUO) Although the FOIA does address the need for requests to be sufficiently specific for the materials desired to be identifiable, we find that many requests are so general in nature as to defy a clear understanding of what information the requester is after. For



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The problem then is one of having the law better define the degree of specificity required from the requester.

3. (U/AIUO) Related to the above is the amount of time spent searching for materials requested when we are virtually certain our files contain nothing pertinent; but to satisfy both the spirit and letter of the law, we conduct a search on the remote chance that something might turn up. This situation of devoting search effort to fruitless searches is exacerbated by the fact that broad requests are broadly disseminated to potential holders, thus leading to receipt of requests for materials on subjects totally outside of our responsibility.

4. (U/AIUO) The FOIA does not limit the number of topical items that can be included in a single request. Thus it is not uncommon to receive requests, either general or specific in their description of what is desired, that literally ask for everything about everything in the files. A revision of the law to limit the number of topical

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SUBJECT: Office of Research and Development Suggested
Amendments to FOIA

9. (U/AIUO) We are concerned with the inconsistencies between the FOI and Privacy Acts. Our particular concern relates to the protection of the privacy of individuals or small business entities with whom we have contractual associations. Although these individuals and entities are in fact intelligence sources and methods, they do not fit neatly into the (b) (3) category of exemptions nor do they fall clearly under exemption (b) (6). This neither "fish nor fowl" situation is particularly cumbersome in those instances where the work being done is unclassified and the Agency has no objection to the contractor sharing his work with the public so long as there is no acknowledgement of Agency interest. This situation is common because for the most part the involved technologies are not classified but their application to intelligence activities is sensitive and therefore classified. Insofar as possible, we like to share the technical knowledge with the public and at the same time insure that those who deserve it get credit. A problem arises, however, when a contractor, for example, a particularly well known individual or entity, publishes in a professional journal and subsequently we receive an FOIA request for all of our file materials which relate to a topic that happens to include the project of the publication. Such requests for unclassified material normally could be answered by releasing the material requested. However, in those cases where the association is classified, either to protect intelligence interests or the privacy of the individual or entity, release of the material would compromise the classified association. The risk of compromise is particularly acute when the contracting entity is well known and the requester is knowledgeable. The FOIA does not, but should, provide for situations of this kind, perhaps by incorporating a provision for neither confirming nor denying associations. Obviously, such a provision would have to be usable in situations other than those in which there was an association that cannot be acknowledged, or its use would soon be tantamount to confirming an association.


10. (U/AIUO) We believe that the FOIA should recognize the fact that the content of some file materials may be inaccurate or untrue. Similarly, raw data or opinions contained among file materials may be misleading and if cited could create false impressions prejudicial to U.S. Government interests.

SUBJECT: Office of Research and Development Suggested
Amendments to FOIA

11. (U/AIUO) The FOIA should specifically address the issue of Federal vs. State freedom of information and privacy laws so that there is no question as to which takes precedence in the event the requester elects to seek information from both Federal and State sources.


12. (U/AIUO) Finally and perhaps one of the most pressing needs is for extending the time limits for responses, appeals, and litigations. It often takes two weeks or more to locate and identify potentially pertinent records for many of the very general requests and those with multiple topics. Review, sanitization and coordination and final processing often require even more time.

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Director
of
Research and Development

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1 - EO/ORD
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Next 1 Page(s) In Document Exempt

Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020019-8

19 September 1978

25X1 MEMORANDUM FOR: [REDACTED]
Chairman, IRC Working Group

25X1 FROM : [REDACTED]
NFAC/FIO

SUBJECT : Recommendations for Agency
Exemptions Under FOIA

NFAC recommends that the following file systems be exempt from the provisions of the FOIA.

25X1

Another candidate file system for exclusion from the FOIA is the Library's index to open source literature. CIA's time and effort in providing references to open literature from exclusively open source file systems only expends Government funds for research that should be done by the requester. If my interpretation of the Act is correct, we are not obliged to search for or provide open source material in response to FOIA requests. I have, however, not been assured by OGC that my interpretation is correct.

SUBJECT: Recommendations for Agency
Exemptions Under FOIA

In general, the NFAC production offices are opposed to any amendments to the Act that would restrict or complicate the public's access to releasable information.

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our feeling is that we will search all potentially responsive NFAC systems of files in response to any reasonably defined FOIA request.

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The desired approach: a Privacy Act type general exemption.
(See Section 3 (j), Public Law 93-579.)

An acceptable approach: exemption of specific records systems
(per identifications in Federal Register, volume 40, number 168,
28 August 1975, as supplemented). Exemptions to include at
least CIA systems records 27 and 49 in their totality.

25X1

Limitation of the FOIA to American citizens and legal residents only.

ROUTING AND RECORD SHEET

Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020019-8

SUBJECT: (Optional)

FROM:

[Redacted]
 Asst to EXO/OSO
 7B 44 Hqs

EXTENSION

NO.

DATE

09/06/78

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across columns after each comment.)

1.

2. SA/DDS&T

3.

4.

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15.

Per request. Would like the IRC to consider the following suggestions.

(1) That all information on current ongoing operations/projects be exempt from FOIA until the operation/project has been terminated. At that time the information would become subject to the FOIA.

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET

Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020019-8

SUBJECT: (Optional)

FROM:
Assistant for Information, DDA
7D-02, Hqs.

EXTENSION

NO.

OLC #78-5266

DATE

25 September 1978

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. OLC
6D-0120, Hqs.

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Attached are copies of suggestions for categories of information which ought to be excluded from FOIA requests. For use in drafting amendatory language, as discussed at the IRC Working Group meeting on 21 September.

Atts: a/s